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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,255	09/21/2006	Richard Ganley	19036/41594	7553

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EXAMINER
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MONIKANG, GEORGE C

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,255	<b>Applicant(s)</b> GANLEY ET AL.	
	<b>Examiner</b> GEORGE C. MONIKANG	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 55-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/564,255.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 55-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al, US Patent 5943649, in view of Motohashi, US Patent Pub. 20030220123 A1.

Re Claim 55, Fado et al discloses a microphone communication system for a stage comprising: a plurality of microphones for use by a plurality of performers (fig. 7: 142: the microphone has two contacts that are connected to a computer/controller); a receiver for obtaining information of the microphones by communication with the microphones (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts that are connected to a computer and able to display on the computer monitor what kind of microphone); a controller (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts that are connected to a computer and able to display on the computer monitor what kind of microphone); display device coupled to the controller (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts that are connected to a computer and able to display on the computer monitor what kind of microphone); and input devices coupled to the controller (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts that are connected to a computer and able to display on the computer monitor what kind of microphone); wherein the controller receives information of the microphone from the receiver (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts/receiver that are connected to a computer and able to display on the computer monitor what kind of microphone); and each of the controller causes a corresponding display device to display the received information of the microphone (abstract; fig. 1: 16, 48: fig. 7: 142: the microphone has two contacts that are connected to a computer and able to display on the computer monitor what kind of microphone); but fails to disclose the controller sending character string input with the input device to other controllers; and the character strings obtained from other controllers. However, Motohashi discloses

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a system wherein character string information such as battery life and alarm notification messages are transmitted from one display device to another via respective controllers (*Motohashi, fig. 10; para 0117*). It would have been obvious to modify the Fado et al reference with the system a system wherein character string information such as battery life and alarm notification messages are transmitted from one display device to another via respective controllers as taught in Motohashi (*Motohashi, fig. 10; para 0117*) for the purpose of allowing a user to see more information at the second display device. The combined teachings of Fado et al and Motohashi fail to disclose there being a plurality of wireless microphones and the display being put on a stage. However, it would have been obvious to utilize a plurality of wireless microphones to reduce wiring and to place the display on a stage to enable viewing of the information on a big screen by numerous people.

Re Claim 56, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 55, wherein the information of the wireless microphone includes at least one of RF level, VU level, and battery power (*Motohashi, fig. 10: 111; para 0117: the telephone device 111 has a microphone within it*).

Re Claim 57, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 55, wherein each controller creates an alarm message based on the information of the receiver which is received from the receiver and causes the alarm message to be displayed on the corresponding display device (*Motohashi, fig. 10; para 0117*).

Re Claim 58, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 55, wherein the character string is displayed on the display device as being associated with a portion of the information received from the receivers (Motohashi, fig. 10: 111; para 0117: the telephone device 111 has a microphone within it); and the character string is information relating to one of the wireless microphones whose status is indicated by the portion of the information received from the receivers (Motohashi, fig. 10: 111; para 0117: the telephone device 111 has a microphone within it).

Re Claim 59, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 58, wherein the character string is displayed to have a color corresponding to the portion of the information received from the receivers (Motohashi, fig. 10; para 0117).

Re Claim 60, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 58, wherein the character string is located on the display device in the vicinity of the portion of the information received from the receivers (Motohashi, fig. 10; para 0117).

Re Claim 61, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 55, wherein the controller is configured by a computer (Fado et al, abstract; fig. 1: 16, 48; fig. 7: 142: the microphone has two contacts that are connected to a computer/controller and able to display on the computer monitor what kind of microphone).

Re Claim 62, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 61, wherein one application program running on the computer causes the character string received from the corresponding input device and the character strings received from other computers to be displayed on one window of the corresponding display device together with the received information (*Motohashi, fig. 10; para 0117*).

Re Claim 63, the combined teachings of Fado et al and Motohashi disclose the wireless microphone communication system for a stage according to claim 55, further comprising: a television camera for capturing an image of the stage; wherein an image from the television camera is displayed on the display device of each controller together with the received information (*Motohashi, fig. 10; para 0116*).

Claims 64-65 have been analyzed and rejected according to claim 55.

Claim 66 has been analyzed and rejected according to claims 55-56.

4. Claims 67-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi, US Patent Pub. 20030220123 A1.

Re Claim 67, Motohashi discloses a wireless microphone communication system for a stage comprising: a wireless microphone for use (*Motohashi, fig. 10: 111; telephone device has a microphone*); a receiver for receiving a radio wave continuously from the wireless microphone and obtaining a RF level of the wireless microphone continuously (*Motohashi, para 0055: electrical field strength detecting portion*); a

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controller; a display device coupled to the controller (*Motohashi, fig. 10: 901-904*); a storage means coupled to the controller (*Motohashi, fig. 10: 102*); a video camera for capturing an image of the stage (*Motohashi, para 0040*); wherein the controller obtains the RF level continuously from the receiver (*Motohashi, para 0055: electrical field strength detecting portion*), causes the storage means to store the image from the video camera at a time when the obtained RF level is not higher than a predetermined level, and causes the display device to display the image stored in the storage means (*Motohashi, para 0055-0059: based on the electrical field strength detecting portion, the image quality being displayed is determined*); but fails to disclose capturing the image of a stage. However, it would have been obvious to use the camera of Motohashi to capture an image of a stage for the purpose of providing a stage image of performances.

Claims 68-73 have been analyzed and rejected according to claim 67.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/  
Examiner, Art Unit 2614

8/27/2009

/Xu Mei/  
Primary Examiner, Art Unit 2614

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